

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DAVID MACK,  
Plaintiff

vs.

DIVERSIFIED CONSULTANTS, INC.,  
Defendant

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CIVIL ACTION NO.  
4:14-cv-00155-RAS-DDB

Jury Trial Demanded

**JOINT REPORT OF RULE 26(f) PLANNING MEETING**

**1. Factual and Legal Description of the Case.**

Plaintiff alleges that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(a)(1) by communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff. Plaintiff also alleges that Defendant violated 15 U.S.C. § 1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff, in connection with the collection of an alleged debt. Plaintiff also alleges that Defendant violated 15 U.S.C. § 1692d(6) by placing telephone calls without meaningfully disclosing the caller's identity. Plaintiff also alleges that Defendant violated 15 U.S.C. § 1692e(11) by failing to notify Plaintiff during each communication that the communication was from a debt collector. Plaintiff further alleges that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system or an artificial or prerecorded voice to place telephone calls to Plaintiff's cellular telephone number. Plaintiff intends to file an amended complaint in order to more clearly delineate the causes of action.

Defendant, Diversified Consultants, Inc. ("DCI"), denies any damages, liability or wrongdoing under the law and incorporates by reference herein its Answer and Affirmative

Defenses to Plaintiff's Complaint filed on April 9, 2014. DCI intends to file an amended answer and affirmative defenses.

**2. The date the Rule 26(f) conference was held, the names of those persons who were in attendance and the parties they represented.**

Russell S. Thompson IV, attorney for plaintiff, and Whitney White, attorney for Defendant, conducted the Rule 26(f) conference telephonically on July 9, 2014.

**3. A list of any cases that are related to this case and that are pending in any state or federal court with the case numbers and court along with an explanation of the status of those cases.**

None.

**4. Initial Disclosures:**

The parties will complete the initial mandatory disclosures by **July 1, 2014**.

**5. Agreed discovery/case management plan.**

See Proposed Scheduling Order attached.

**6. Mediation:**

If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery.

**7. Suggested date for the Final Pretrial Conference.**

September 8, 2015.

**8. Expected length of trial.**

The parties anticipate 2-3 days for trial.

**9. Trial before a magistrate judge.**

The parties decline a trial before a magistrate judge.

**10. Whether a jury demand has been made.**

Plaintiff has made a jury demand.

**11. Whether any party requests a scheduling conference with the Court.**

Parties do not request a scheduling conference at this time.

Dated: July 18, 2014

Respectfully submitted,

/s/ Russell S. Thompson IV  
Russell S. Thompson IV  
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**Attorneys for Defendant**  
**Diversified Consultants, Inc.**